

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 20 May 2014

37 - 43 Federal Parade Brookvale - Alterations and additions to an Educational Establishment (St. Augustines College)

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2013/1336
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 100 DP 1173782 , 37 - 43 Federal Parade BROOKVALE NSW 2100
Proposed Development:	Alterations and additions to an Educational Establishment (St. Augustines College)
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Trustees of St Augustine in Australasia
Applicant:	St Augustines'S College

Application lodged:	06/11/2013
Application Type:	Integrated
State Reporting Category:	Other
Notified:	22/11/2013 to 09/12/2013
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 11,320,883
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Development Control Plan - B1 Wall Heights

Warringah Development Control Plan - B3 Side Boundary Envelope

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - C6 Building over or adjacent to Constructed Council Drainage Easements

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

Warringah Development Control Plan - D9 Building Bulk

SITE DESCRIPTION

Property Description:	Lot 100 DP 1173782 , 37 - 43 Federal Parade BROOKVALE NSW 2100
Detailed Site Description:	The St Augustine's College campus ("the school") is described as 37- 43 Federal Parade, Brookvale, comprising Lots 100 DP 1173782, Lot 17 DP 11209 and Lot B DP 295193 which provides for a total area of 24,830m² for the school. The St Augustine's College campus (Primary and Secondary school) has frontages to Federal Parade to the north, Alfred Road to the east, Gulliver Street to the south and Consul Road to the west. A major stormwater pipeline traverses the south-western corner of the site and runs generally under the existing open car park facing Gulliver Street. Vehicular access to the site is currently available from Alfred Street, Gulliver Street and Federal Parade. The school bus zones and student drop off/pick up zone is within Alfred Street. The formal car parking for the school is within the school grounds and the open car park facing Gulliver Street. The site is not listed as containing any a heritage items, nor is it

located within a conservation area. The land is identified as being bushfire prone land. The site is on Council's Landslip Risk Mapping as 'Area A' with no significant landslip risk.

The dominant land use to the west and to the north are primarily low density residential dwelling houses, with two storey medium density development on the southern side of Gulliver Street. Other major land uses to the east and south of the site include Brookvale Park and Sports Stadium, Brookvale Primary School and mixed business uses along Pittwater Road.

St Augustine's College is characterised by clustered school buildings interspersed with wide setbacks and landscaped street frontages to the public domain.

Map:



SITE HISTORY

Pre-lodgement Meeting No. PLM 2013/0108 was held with Council on 29 August 2013 to discuss alterations and additions for demolition of the primary school and construction of a three storey building containing carparking, primary school and seniors science rooms.

Pre-lodgement Meeting No. PLM 2012/0055 was held with Council on 29 August 2013 to discuss an increase in student numbers (from 820 to 1150) associated with the use of premises as an educational establishment.

Development Application No. DA6000/4368 for the primary school classrooms fronting Gulliver Street

were approved by Council (Consent 95/57) on 2 February 1995. This consent limits school enrolments to a maximum of 820 students, but the school has since exceeded this limit (as identified in EPA2013/0102).

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following works:

- The demolition of the existing primary school building and associated structures facing Gulliver Street.
- Removal of the existing open car park facing Gulliver Street.
- Demolition of the existing residence at No.18 Gulliver Street owned by the College.
- Construction of a ground level carpark for 102 vehicles, with driveway access from Gulliver Street.
- Construction of a two storey science facility and a primary school learning centre over a carpark:
RL 26.5 to 27.05 for the new carpark (Ground Level);
RL 30.16 for Level 1 (Podium Level);
RL 33.76 to Level 2 (Upper Level); and
RL 38.3 to 38.5 roof apex.
- Internal refurbishment of the existing “Cameron House” building at No 20 Gulliver Street.
- Refurbishment works to the existing “Mendel Wing” building, located to the north of the new buildings.
- On-site stormwater detention and drainage management work.
- Landscaping to the curtilage of the new buildings and ancillary site works.
- Identification signage to Gulliver Street.
- Increase school enrolment limit from 820 students to 1200 students.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions	None applicable.

Section 79C 'Matters for Consideration'	Comments
of any planning agreement	
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, where Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development, subject to satisfying those matters detailed to be addressed by deferred commencement and compliance with conditions of consent.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest, subject to satisfying those matters detailed to be addressed by deferred commencement and compliance with conditions of consent, as recommended. Refer to the heading 'Submission' within this report for details regarding matters raised by the public that arose following notification of the proposal.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Paul Truszewski	76 Federal Parade BROOKVALE NSW 2100

The following issues were raised in the submissions and each have been addressed below:

- Traffic management
- Inadequate parking
- Overdevelopment
- Noise management
- Building aesthetics

The matters raised within the submissions are addressed as follows:

- *Concern that the traffic plan contains an inaccurate counts including street parking and falsely includes parking areas that are restricted or private land.*
Comment: The anomalies in the traffic report are noted and these car parking spaces have been discounted from the assessment of "available" street parking. Overall the school needs 119 parking spaces for the current full-time equivalent (FTE) staff positions plus 54 carspaces for students (who regularly drive themselves to school), plus an adequate student drop off zone and a bus bay area. According to the traffic report, the daily drop off / pick up of students by car per day varies from 273 to 187 and buses drop off / pick up by car per day varies from 12 to 15 buses. Therefore, the student drop off zone and bus bay area also need to be adequate to cater for these routine traffic movements safely. The applicant has not provided a new comprehensive School Traffic Management and Parking Plan to address the day to day issues of supervising the carparking, traffic wardens, site plan for parking, pedestrian safety issues, special events management, restriction zones, monitoring measures students who for 'drive-to-school' and the like. The NSW *Roads and Maritime Service* have no objection to the proposal and Council's Traffic Engineer is also satisfied that the new parking, pick-up/drop off spaces, and existing bus bay will be able to cater for the increased enrolment and facilities, subject to conditions. It is recommended that a deferred commencement condition be applied to enable the required management plan to be prepared to the satisfaction of Council and provide assurance to surrounding residents that future traffic and parking management will minimise disruption and improve safety, public parking and traffic access in the adjacent streets.

- *Concern that the school cannot manage the traffic demands being created and has inadequate parking spaces that takes away street parking from commuters, workers, Brookvale district shop customers for the wider community.*

Comment: The new carparking facilities will increase staff parking and free up public street parking for commuters, workers and the wider community. The implementation of a Traffic Management and Parking Plan will ensure the school manages parking on a day-to-day basis to maintain safety and that the school has a parking management strategy for number of students who drive to school. The existing bus bay facilities are considered adequate for the schools requirements and traffic conditions in Alfred Road. This issue will also be addressed inclusively by a deferred commencement condition to enable the required management plan to be prepared to the satisfaction of Council and provide assurance to surrounding residents that future traffic and parking management will minimise disruption and improve safety, public parking and traffic access in the adjacent streets.
- *Concern that the school has reached a point of overdevelopment and this is indicative of inadequate parking, expansion of playtime uses onto adjacent public land such as Brookvale oval and increasing safety issues for traffic.*

Comment: The use of adjacent public parkland by the school is an issue that is made by separate arrangement for the use of Council assets and is not a relevant consideration for this development application. The management of traffic safety issues will be addressed by the preparation of a new Traffic Management and Parking Plan that will rationalise the existing traffic safety and parking requirements.
- *Concern that the school runs out of hours special events and the noise and traffic created disturbs neighbours and is not managed to prevent disruptive impacts on residential properties.*

Comment: Special event management of carparking has not been discussed within the development application and is required to be addressed in a Traffic Management and Parking Plan. It is likely that the new carpark facing Gulliver Street will become the main parking facility for special events as well as day to day use for the school. Details are to be outlined in a comprehensive Traffic Management and Parking Plan to be prepared by the School as a condition of deferred commencement. Noise generated by the school during out-of-hours events is addressed by a condition of consent to ensure the school will monitor and manage special events adequately in order to prevent unreasonable disturbance to neighbours amenity.
- *Concern that the building aesthetics of the Brimson Centre are not being improved / screened with such a major redevelopment within the School.*

Comment: It is noted the 'Brimson Centre' school hall (fronting Federal Parade) was approved under a previous development consent and works proposed within the current application are generally located off Gulliver Street, or in the central area around the 'Mendel Wing' building, and new building work is not readily visible from Federal Parade. However, the new carpark, primary school and senior science building has reduced the net landscaping on site to less than the minimum 40% DCP requirement. Additional landscaped open space is not being provided elsewhere within the school campus to maintain compliance and therefore the supplementary planting of screen trees will assist to maintain a landscaped setting for the school. This issue is addressed by conditions for supplementary tree planting within the landscaped setback on the northern side of the 'Brimson Centre' and new screen planting along the Gulliver Street frontage. This issue does not warrant

refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections to the proposal subject to conditions as recommended.
Development Engineers	Development Engineers have reviewed the proposal and raise no objections to the proposal subject to the following conditions. The applicant proposes to re-locate the footpath on Council property, as shown on the architectural plans prepared by pmdl, drawing number 2341 DA105, revision A. Council will not permit the re-location of the footpath, and will only allow the following works on Council property: 1.Reinstatement of redundant vehicle crossing 2.Construction of two vehicle crossings 3.Re-location of Council's stormwater gully pit and extended kerb inlet
Landscape Officer	No objections are raised with regard to the proposed tree removals and retention. Whilst 2 large trees are retained in front of the primary school, additional taller (medium) native trees are recommended to be included to assist with reducing the impact of the building bulk on the streetscape. Similarly 2 additional street trees are recommended to be included in the verge. No objections subject to conditions as recommended.
Natural Environment (Drainage Assets)	Please see the Development Engineering comments for any relevant stormwater drainage asset comments and conditions.
Traffic Engineer	The proposal provides for the demolition of existing buildings and at-grade car park and the construction of a new building with ground level car park providing parking for 79 vehicles. When combined with other parking around the school site it is proposed that there will be a total of 102 spaces provided on the school site or associated properties. It is forecast that the school will have a maximum enrolment of 1,200 students, an increase of 50 over the existing level and 380 increase over the previously approved number of 820. The following comments are provided. • The traffic report provided by Brown Consulting shows an indented

Internal Referral Body	Comments
	parking bay in Gulliver Street for the pick up/set down of children. This was not supported at the PLM and has been removed from the latest architectural plans provided. The new traffic management plan is to be based on the architectural plans. - There is an existing 'No Parking' during school start and finish times to facilitate the pick up/set down of students for the school. This would need to be modified to accommodate the new entry/exit driveways for the proposed development and ensure suitable sight distance is provided for vehicles exiting the car park. This will need to be submitted to Council for approval by the Local Traffic Committee. - The proposed parking at Brimson Hall will need to conform to the requirements of AS2890.1-2004 with regard to aisle widths, parking space dimensions and manoeuvring areas so that all vehicles can enter and exit the site in a forward direction. - The proposed parking at the 'Old Church' requires clarification on how this will operate as it is located adjacent to the pedestrian access from the school to the bus stops and the pick up/set down area in Alfred Road. This would form part of the traffic management plan for the school. - A new traffic management plan for the school to replace the previous approvals that required a TMP. This will need to be updated / replaced to incorporate the proposed new arrangements, including how staff and students will be encouraged to use alternative methods of travel.
Waste Officer	Waste Services has no objection no issues with the development application as proposed. The applicant has submitted a complying construction and demolition plan for waste management.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to <i>Ausgrid</i> . No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	The <i>Roads and Maritime Service</i> (RMS) has no objection to the proposal and provided a referral response dated 6 December 2013 with detailed comments and conditions.
NSW Police - Local Command (CPTED)	NSW Police have provided no objection to the proposal and no comments or conditions.
Integrated Development - NSW Rural Fire Service – head office	The NSW Rural Fire Service (RFS) provided a referral response under Section 100B of the Rural Fires Act 1997 with a <i>bushfire safety authority</i> dated 20 December 2013. No conditions are recommended by the RFS.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the continuing educational land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The school frontage for the proposed building facing Gulliver street includes new identification signage / logo fitted to wall fencing does not detract from the local streetscape or locality.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs include the school logo / emblem and are essential for identification of the new entry point off Gulliver Street. Colours are consistent with the external finishes.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage	The signage is fitted to opaque (Perspex) wall structures and therefore does not detract from the local amenity.	YES

areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?		
3. Views and vistas Does the proposal obscure or compromise important views?	The signage is fitted to opaque wall structures and therefore does not detract from views. There are no pylon signs.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	Signage does not dominate the streetscape and is satisfactory design and location	YES
Does the proposal respect the viewing rights of other advertisers?	No other advertisers are in the immediate surroundings as the school has a wide frontage and is opposite residential development.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Size and scale of signage is fitted to the fence / wall structures and is suitable for those structures.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Signage	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	New signage assists to rationalise pedestrian entry and school entry from the southern boundary.	YES
Does the proposal screen unsightliness?	Not applicable	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Landscaping is integrated with the new works to compliment the school entry area.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Signage is smaller than the structure of the wall and in lesser proportion to the size of the fence and wall structures to not be excessive.	YES
Does the proposal respect important features of the site or building, or both?	Satisfactory	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Satisfactory	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not required	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the	Not required	YES

amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?	Not required	YES
Is the illumination subject to a curfew?	Not required	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Satisfactory	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Satisfactory for improvement in pedestrian management and traffic safety.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to *Ausgrid*. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting
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		road)
Educational establishments	50 or more students	-

Note: Under Clause 104(2) of the SEPP, 'relevant size of capacity' is defined as meaning:

"(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3."

Comment:

The application was referred to the RMS who did not raise any objection to the proposal and provided a referral response dated 6 December 2013.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	11.5m	35%	No

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.9 Preservation of trees or vegetation	Yes
5.9AA Trees or vegetation not prescribed by development control plan	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	11.5m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical and Performance
If numerical enter a % variation to requirement	35%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The building is compatible in height to the main buildings within the school campus including the 'Mendel Wing', 'Brimson Centre' and 'Augustine Wing'. The site is surrounded by residential low density houses and residential flat buildings that are generally two-storey development. In consideration of this, the proposal has stepped back the top floor and provided wide landscaped setback to the street. The site is also in close proximity to Brookvale sports stadium, opposite the school, in Alfred Road. The proposed primary and senior science building is to be interconnected with other buildings on the site and will screen the broad southern elevation of the 'Mendel Wing' from being readily visible from Gulliver Street.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The upper level is stepped in from the side boundaries and front boundaries to minimise upper bulk and reduce the effects of potential overshadowing and overlooking possible from having a higher building. The proposal maintains adequate solar access of 3 hours or more between 9am and 3pm on June 21 for adjoining properties private open space, as demonstrated by plans No.DA502/A to DA504/A drawn by PMDL Architects, date October 2013. The senior science rooms store / preparation rooms and seminar rooms along the eastern boundary to protect privacy and minimise noise impacts from the main teaching rooms. A narrow perimeter passageway is provided along the side boundary for Level 1 and 2. This is not a waiting area or playground area for the school and is for access purposes only and therefore will cause no unreasonable loss of privacy to adjacent land along the eastern side boundary (No.10 Gulliver Street). Privacy and overshadowing are maintained to the western boundary by retaining the "Cameron House" building that provides a physical separation to No. 22 Gulliver Street.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

The site is within a built up urban location and is not readily visible from nearby bushland, public reserves, lookouts or coastal lands and the development does not require the removal of any significant native vegetation. The building is articulated with various architectural elements to break up the bulk of the building, including terraces areas, variable setbacks, stair access points and wall openings to provide visual interest and provide a modern contemporary appearance. Therefore, the development will have no adverse impact on the scenic quality of Warringah's coastal and bush environments.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities,

Comment:

The building form is articulated with variable wall plane elements and materials including balcony areas, planter boxes (such as 'green wall') and stair access elements. Landscaping will be concentrated within the front setback to screen the building and compliment the landscape setting of the streetscape. Therefore, the proposal will not have an unreasonable visual impact when viewed from public places such as parks and reserves, roads and community facilities in Brookvale.

What are the underlying objectives of the zone?

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 Low Density Residential zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal is not for housing and therefore this objective is not strictly relevant to the proposal except that height, scale and visual appearance of the proposal should not create adverse influences on the surrounding low density residential environment. In this regard, the proposal satisfies requirements for solar access, privacy and maintaining reasonable residential amenity. In addition to this, the proposal will improve carparking and traffic management by the provision of additional on-site parking and a new traffic management and parking plan and thereby assist to reduce traffic disruptions to surrounding residents.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposal is for alterations and additions to an existing educational facility and therefore provides educational services for the community within a private school campus. Subject to conditions, the day-to-day service needs of residents will not be unreasonably impacted for the surrounding environment, including: traffic issues and parking availability, stormwater management, and use of local infrastructure.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposal is subject to a main stormwater line and therefore clearances needed for the development must not cause future adverse issues for surrounding land that will disrupt floodwater management or service requirements of Council in accessing the easement to manage natural stormwater risks. This issue is addressed by conditions to ensure Council's easement is not impacted that is contrary to Council's service engineering requirements. A landscaped setting is also to be provided to ensure support harmony with the streetscape and compatibility with the local urban surroundings. This objective is addressed by conditions.

It is considered that the development satisfies this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

The height variation relates to part of the upper floor and roof above RL 35.0. While carparking is often possible within a basement carpark for larger school buildings in this case the stormwater easement and flood risk prevents this from being an option. Therefore, some flexibility in applying the height control is sought to allow two levels of classroom space above the ground level parking. This flexibility also allows the school to connect effectively with the adjacent 'Mendel Wing' and improve internal access and integration of teaching facilities within the school.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

The variation to the height limit allows the maximum amount of on-site carparking to be provided on site and therefore improve pedestrian safety, reduce the demand on street parking and provide improved management for school traffic. The proposal also allows a renewal of existing school facilities and upgrading of other school facilities to enhance the educational opportunities and day-to-day experience of students, thus leading to better educational outcomes without creating unreasonable impacts on the amenity of surrounding residents.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The main constraint on the site is the location of the stormwater easement running between the existing carpark and adjacent primary school building. This drainage line prevents the possibility of constructing a basement carpark that would otherwise enable full compliance with the 8.5m height limit. It is essential that the school increase its carparking and this is being done by an approximate doubling of on-site parking. The location of the building on the southern side of the site minimises overshadowing impacts and enables the new building to be interconnected with the existing three storey 'Mendel Wing' created better accessibility within the school.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicant has provided a written request addressing the requirements of Clause 4.6 of the Warringah LEP, as detailed with the applicants statement of environmental effects.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal, subject to conditions, is considered to be consistent with the objectives of the R2 Low Density Residential zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	10.35m	43.7%	No
B3 Side Boundary Envelope (East)	45 degrees at 4m	Exceeds envelope	N/A	No
B3 Side Boundary Envelope (West)	45 degrees at 4m	Within envelope	N/A	Yes
B5 Side Boundary Setbacks (East) Ground Floor Level 1 Level 2	0.9m	1.0m 3.38m to 5.03m 3.38m to 5.03m	N/A	Yes Yes Yes
B5 Side Boundary Setbacks (West)	0.9m	1.68 to 3.0m	N/A	

Ground Floor Level 1 Level 2		to 'Cameron House' 9.6m to 11.3m 9.9m to 8.8m 9.9m to 8.8m		Yes Yes Yes Yes
B7 Front Boundary Setbacks (Gulliver Street) Ground Level structures Level 1 Level 2	6.5m	6.5m to 8.7m 6.5m to 8.7m 6.5m to 11.6m	N/A	Yes Yes Yes
B7 Front Boundary Setbacks (Federal Parade)	6.5m	7.5m (No change)	N/A	Yes (Existing campus buildings)
B7 Front Boundary Setbacks (Consul Road)	6.5m	7.0m (No change)	N/A	Yes (Existing campus buildings)
B7 Front Boundary Setbacks (Alfred Road)	6.5m	12.7m (No change)	N/A	Yes (Existing campus buildings)
D1 Landscaped Open Space (LOS) and Bushland Setting Site area (total campus) 24,830 sqm	40% (9,932 sqm)	35.7% (8,864 sqm)	10.7%	No

'Sqm' = square metres in area. Refer to detailed merit assessment within this report for "Built Form Controls" that do not comply with numeric requirements.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	No	Yes
B3 Side Boundary Envelope	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
R2 - All other land in R2 Zone	Yes	Yes
C2 Traffic, Access and Safety	No	Yes
C3 Parking Facilities	No	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	No	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	No	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The building exceeds the minimum wall height by 43.7% in that it proposes a maximum wall height of 10.35m above existing ground level.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

Level 2 for the primary school and senior science rooms are setback up to 11.6m from the front boundary and 5.03m or more from the side boundaries. The overall building form is articulated with variable wall plane elements and materials including balcony areas, planter boxes and stair access elements. Landscaping will be concentrated within the front setback to screen the building and compliment the landscape setting of the streetscape. Therefore, the proposal will not have an unreasonable visual impact due to the non-compliance with the wall height control.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The building is generally beneath the existing tree canopy as demonstrated by the photomontages provided (Ref plan No.DA511/A to DA520/A drawn by *PMDL Architects*). Additional tree planting is recommended for 'medium' sized native trees (approximately 15m in mature height) to provide streetscape screening that is commensurate with the height and scale of the building.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

The new building does not create any unreasonable impact on views from public and private land due to the low topography and location within the local valley (Greendale Creek) area of Brookvale.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

The wall height does not create any non-compliance with respect to overshadowing and the potential impacts of privacy are addressed by way of limiting the potential effects of noise by separating classrooms and playground / activity / waiting areas from being close to the side boundaries.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

No deep excavation is proposed for the proposal except for footings and on-site detention (OSD)

works. The building is separated into two distinct sections due to the stormwater easement that passes through the site. Subject to conditions, to address the easement encroachment, the proposal is satisfactory with regards to topography and natural landform constraints.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The upper wall of the building is stepping in from the minimum side boundary setback and a pitched roof form has been designed in a hipped style that is compatible with traditional residential roof forms in the surrounding area.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The proposal does not comply with the side boundary envelope along the upper 1.3m section of the eastern wall (above RL35.60) for the new senior science rooms on Level 2.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The proposal is located opposite a medium density area and is within a low density residential zone. Residential buildings in the vicinity of the site vary from single storey dwellings to some part three storey residential flat buildings. The breach of the side boundary envelope is a minor section of the upper level, above RL35.60, along the wall and below the eave line. The upper level is stepped back from the side boundaries and front boundaries to minimise upper bulk and reduce the effects of potential overshadowing and overlooking from building height.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

The proposal maintains adequate solar access of 3 hours or more between 9am and 3pm on June 21 for adjoining properties private open space, as demonstrated by plans No.DA502/A to DA504/A

drawn by PMDL Architects, date October 2013. The senior science rooms store / preparation rooms and seminar rooms along the western boundary to protect privacy and minimise noise impacts from the main teaching rooms. A narrow perimeter passageway is provided along the side boundary, however this is not a waiting area or playground area for the school and is for access purposes only. A condition is recommended that storage lockers / racks and the like are not placed along the western elevation of Senior Science rooms.

- *To ensure that development responds to the topography of the site.*

Comment:

The subject land for the new building footprint is flat, however the existence of the stormwater drainage line through the site prevents a basement carpark from being possible. Therefore, the proposal has been designed as three storeys with ground level parking. The building has been designed to connect to the three storey 'Mendel Wing' to the north, via access bridges and therefore responds to the adjacent higher building levels within the school and maintains minimal obstruction to stormwater flow through carpark area.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions, is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C2 Traffic, Access and Safety

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise traffic hazards.*

Comment:

A new carpark for 79 vehicles, including pickup / drop off area and rationalising the existing parking on site is proposed. The carpark will improve available public street parking that has been taken up by increased staff and student parking in recent years. In order to provide a comprehensive approach to parking and safety issues and minimise potential risks / hazards, a new Traffic Management and Parking Plan is recommended to be prepared. This is addressed by deferred commencement condition due to the comprehensive review required and parking and traffic will remain a critical issue for the school since there will still be a shortfall on parking facilities being provided, created by a maximum enrolment of 1200 students.

- *To minimise vehicles queuing on public roads.*

Comment:

A one-way circulation pattern is proposed for the carpark to minimise vehicle queuing on public roads for access to the pickup / drop off area within the new Gulliver Street carpark. Additional rationalisation of parking details, including any changes to existing on street parking zones will be detailed within a Traffic Management and Parking Plan as recommended by deferred commencement condition.

- *To minimise the number of vehicle crossings in a street.*

Comment:

Two (2) x one way pedestrian crossings for vehicle street access will be provided for the new carpark. This is acceptable given the wide site frontage of 70 metres to Gulliver Street.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

The school is providing an increase in parking facilities for staff to accommodate parking demand for staff and improve pedestrian management. The details of parking areas, separation of senior school / primary school traffic, pedestrian safety and facilities for cyclists will be detailed in a Traffic Management and Parking Plan as recommended by deferred commencement condition.

- *To minimise interference with public transport facilities.*

Comment:

The relevant requirements of State Transit's 'Bus Infrastructure Guide' Issue 2 dated July 2011 (Section 3.7) are to be addressed within a new Traffic Management and Parking Plan that will include a review of bus parking facilities for the school. The school still relies on a considerable amount of street parking for students who drive to school, peak am/pm school traffic and pedestrian management in the vicinity of Brookvale Oval. The RMS has no objection to the proposal subject to conditions. Safe access to public transport is to be addressed the Traffic Management and Parking Plan as recommended by deferred commencement condition.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

Street traffic and parking management has been discussed with Council's Traffic Engineering section and conditions are provided within the referral response to address any requirements for changes to available 'on street' carparking. In this regard, changes to pick/up and drop off zones will require consideration by the Warringah Local Traffic Committee. Details of any changes are to be provided in a new Traffic Management and Parking Plan to address impacts on street parking. This issue is addressed by deferred commencement condition as recommended.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

Description of non-compliance

The school proposes 102 off-street parking spaces within car parking areas accessed from Gulliver Street, Alfred Road and Federal Parade. The applicants parking report estimates that 173 parking spaces are required to cater for daily parking demand for staff and students. The provision of 11 car parking spaces for pick-up and drop off only, as well as a the existing bus bay area are considered adequate.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Educational Establishment	1 space per staff member in attendance, plus as relevant, adequate pick up	119 full time staff car spaces	102 on-site car spaces (79 within new car park)	Seven (7) spaces double counted for pick up
	/ set down area on site, plus adequate provision of bicycle racks, plus adequate provision for student parking,	54 students car spaces	Nil	/ drop off within Gulliver Street car park Not specified
	plus provision of	Pick up / drop offs of 327 to 187 daily am to pm	Not specified except for new Gulliver Street carpark	Not specified
			Bus bay in Alfred Street	

	bus standing and turning area.	Bus bay of 12 -15 buses daily am to pm Bicycle parking	Not specified, adequate space	No specified
Total			11 pick up / set down No student parking No bike racks specified No bus bay on site	Short term and all day street parking surrounding streets Bus bay (Alfred street)

The proposal provides for the demolition of existing buildings and at-grade car park and the construction of a new building with ground level car park providing parking for 79 vehicles. When combined with other parking around the school site, it is proposed that there will be a total of 102 spaces provided on the school site or associated properties. It is forecast that the school will have a maximum enrolment of 1,200 students, an increase of 50 over the existing level and 380 increase over the previously approved number of 820. The traffic report provides a parking estimate for "full time equivalent" staff numbers whereas the DCP 2011 indicates that it should be for "staff member in attendance" which is not necessarily the same calculation. Therefore, there may be irregularities if there is not an even split of 'am' versus 'pm' part-time staff. The parking study includes a number of other assumptions / anomalies and therefore some aspects remain unspecified or unclear and will require a Traffic Management and Parking Plan for final accuracy.

There is an existing 'No Parking' zone adjacent the site during school start and finish times to facilitate the pick up/set down of students for the school. This would need to be modified to accommodate the new entry/exit driveways for the proposed development and ensure suitable sight distance is provided for vehicles exiting the car park. This will need to be submitted to Council with new details for approval by the Warringah Local Traffic Committee.

The proposed parking at 'Brimson Hall' will need to conform to the requirements of AS2890.1-2004 with regard to aisle widths, parking space dimensions and manoeuvring areas so that all vehicles can enter and exit the site in a forward direction. The proposed parking at the 'Old Church' building requires clarification on how this will operate as it is located adjacent to the pedestrian access from the school to the bus stops and the pick up/set down area in Alfred Road. This would form part of the traffic management plan for the school. A new comprehensive Traffic Management and Parking Plan for the school is required to be provided as the existing plan is obsolete. Due to the conflicting

information within the development application plans and traffic report, the Traffic Management and Parking Plan will specify clearly, in a diagram, the exact allocation, time use and location of all available parking demand created and the parking used by school staff/parents/buses within the site and in adjacent streets.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The new Gulliver street car park is partly screened by landscaping and 'green wall' structures and will have metal palisade style fencing / gates to enclose the carpark access from the street. The parking area is required to remain in an open sided form with minimal wall obstructions in order to allow for the free movement of overland stormwater and enable ease of access to Council stormwater easement through the site. In general, the appearance of the car park will be screened by landscaping and does not have an unacceptable impact on the streetscape.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

Apart from the entry and exit points the carpark is partly screened by stair access structures, planter boxes and a 8.7m setback with minor structure up to 6.5m from Gulliver Street. Therefore, a wide landscape zone is provided to enable screen planting and ensure the carpark does not dominate the street frontage.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C6 Building over or adjacent to Constructed Council Drainage Easements

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property.*

Comment:

The proposed development is to be designed to protect Council's drainage system during the development and provide access to the constructed Council's drainage system. To achieve this objective, the architectural and civil engineering plans are to be amended to comply with

the DCP requirements. This includes allowance for the provision of only one bridge or structure spanning over Council's drainage system at Podium level (Level 1) where the vertical clearance between the underside of the bridge or structure and the design finished ground surface levels is less than 5 metres. Any bridge structure above the podium level (Level 2) must not be more than 4 metres wide and must be designed and constructed to be lightweight and easily removable. In addition to the above, the proposed 'green wall' structure located with the easement to drain stormwater is to be designed and constructed to be lightweight and easily removable. No other structures such, as air conditioning motors, are to be located within the stormwater flow path area. This issue requires the submission of details to Council's satisfaction that can be addressed by a deferred commencement condition, as recommended.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, subject to 'deferred commencement' in this particular circumstance to address the above issues.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The site requires 40% landscape open space and will retain 35.7% (8,864 sqm) landscape open space after the development work is completed.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The site retains a 6.5m minimum setback and opportunity is therefore available for additional screen tree planting to maintain and enhance the streetscape. Ground level bushes and dense shrub planting is not recommended as this will obstruct the stormwater surface flow path of flood water through the easement. Trees are not recommended to be planted within the stormwater easement. In addition, some supplementary tree planting is recommended for Federal Parade to enhance the existing landscaping as the entire site now has less than the minimum landscaped open space requirement.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

It is recommended that screen trees be selected from Council's Tree Replacement Guide for "Medium" size of trees to suit the site and adjacent buildings. The additional tree planting will complement the buildings without unnecessarily obstructing entry areas and identification signage, as well as providing habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

Low and medium shrubs are not recommended to be densely planted within the Gulliver Street frontage to the school due to flood path issues (Greendale Creek). Increased density of tree planting for medium sized native trees is recommended to ensure canopy trees will screen the 11.5m height, bulk and scale of the new buildings. A density of 1 tree per 9 sqm, in addition to the existing trees and excluding paved areas within the front setback, is recommended.

- *To enhance privacy between buildings.*

Comment:

The new primary school is separated from residential housing to the west by 'Cameron House' building and the new senior science classrooms are separated by storerooms, seminar rooms and a passage way from residential housing to the east. Increased setback within the landscaped setback to Gulliver Street will assist to retain privacy to apartment buildings opposite, on the southern side of the street.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The school has sufficient internal playground areas within the site to meet the needs of students. A balance of hard surface play areas, lawn areas and sports facilities are provided within the school grounds that are dispersed around the site and assist to provide a landscaped setting for the school campus.

- *To provide space for service functions, including clothes drying.*

Comment:

The school campus has sufficient service areas for open space functions including lawn areas, sports facilities, and playground spaces to provide for the existing school enrolment for primary and secondary school students.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

A new OSD tank and ancillary drainage works will be provided for water management. New landscaping will be sufficiently spaced to ensure no obstruction to the free movement of water through the site or interference with adjacent properties caused by displacement.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions, is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D9 Building Bulk

Merit consideration

With regard to *Part D9 Building Bulk* the development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The design creates some obstruction issues for the stormwater easement access and the overland flow path and does not provide a good design that is innovative. Therefore, the 'bridge' elements over the easement are required to be reconfigured to remove the decking areas and connection balustrades between the Primary school and 'senior science' rooms. Other ancillary elements may also require reconfiguration to architectural elements in the centre of the building above the easement and this issue has been addressed by a deferred commencement condition to ensure suitable final design outcomes for the urban environment.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The building is articulated with various architectural elements to break up the bulk of the building, including terraces areas, variable setbacks, stair access points and wall openings to provide visual interest and provide a modern contemporary appearance. Additional tree planting is recommended to ensure the proposal maintains a landscaped setting to the street and screen the visual impact of the building to compensate for the loss of net landscaping on the site below minimum DCP requirements.

Having regard to the above assessment, it is concluded that the proposed development, subject to conditions is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 11,320,883		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 107,548
Section 94A Planning and Administration	0.05%	\$ 5,660
Total	1%	\$ 113,209

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2013/1336 for Alterations and additions to an Educational Establishment (St. Augustines College) on land at Lot 100 DP 1173782,37 - 43 Federal Parade, BROOKVALE, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Building over or adjacent to constructed Council drainage system

The proposed development is to be designed to protect Council's drainage system during the development and provide access to the constructed Council's drainage system. To achieve this objective, the architectural and civil engineering plans are to be amended to comply with the following requirements:

- 1.Provision of only one bridge or structure spanning over Council's drainage system where the vertical clearance between the underside of the bridge or structure and the design finished ground surface levels is less than 5 metres.
- 2.The above structure must not be more than 4 metres wide and must be designed and constructed to be lightweight and easily removable.
- 3.Proposed 'green wall' structure located with the easement to drain stormwater is to be designed and constructed to be lightweight and easily removable by a John Deer 315 SJ backhoe plant or a Council approved equivalent.
- 4.Details of structural and/or fixings for both bridge and 'green wall' structures must be provided on the plans
- 6.All other proposed structures must provide the clearances to Council's stormwater pipelines and easement, in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.
- 7.Overland flow openings are to be provided along the southern wall of the proposed building. A minimum 300mm height clearance between the 1 in 100 year ARI overland flow top water surface levels and undersides of any openings including the proposed 'green wall' must be provided.

Reason: Protection of Council's Infrastructure and provision of access to Council's Infrastructure

(DACENADC1)

2. Traffic Management and Parking Plan

The applicant is to submit to Warringah Council for approval, a new Traffic Management and Parking

Plan. The plan is to be prepared to the satisfaction of Council to address the carparking management and safety including special events for the school. The traffic management plan is to reference the school enrolment restriction under this consent and strategies for day to day operations of traffic and parking for staff ("in attendance"), students, parents, buses, pedestrian and cyclists. Any delineation between primary and secondary school parking areas are to be detailed within the plan.

Reason: Traffic, parking safety and management (DACENADC2)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

3. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Staging Plan DA102 Revision A	6/11/13	PMDL Architects
Site Demolition Plan DA103 Revision A	6/11/13	PMDL Architects
Cameron House Demolition Plan DA104 Revision A	6/11/13	PMDL Architects
New Building Carpark Level Plan DA105	TBA	PMDL Architects
New Buildings Podium Level Plan DA106	TBA	PMDL Architects
New Buildings Upper Level Plan DA107	TBA	PMDL Architects
New Buildings Roof Plan DA108 Revision A	6/11/13	PMDL Architects
Mendel Wing Ground Level Demolition DA111 Revision A	6/11/13	PMDL Architects
Mendel Wing Podium Level Demolition DA112 Revision A	6/11/13	PMDL Architects
Mendel Wing Upper Level Demolition DA113 Revision A	6/11/13	PMDL Architects
Mendel Wing Ground Level Plan DA114 Revision A	6/11/13	PMDL Architects
Mendel Wing Podium Level Plan DA115 Revision A	6/11/13	PMDL Architects
Mendel Wing Upper Level Plan DA116 Revision A	6/11/13	PMDL Architects

Mendel Wing Roof Plan DA117 Revision A	6/11/13	PMDL Architects
New Buildings Elevations DA201	TBA	PMDL Architects
New Buildings Elevations DA202	TBA	PMDL Architects
Mendel Elevations DA203 Revision A	6/11/13	PMDL Architects
Sections DA301	TBA	PMDL Architects
Sections DA302	TBA	PMDL Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
Hydraulic Services Part Site Plan HSK 01	TBA	Sparks and Partners
Level 1 Plan HSK 02	TBA	Sparks and Partners
Level 2 Plan HSK 03	TBA	Sparks and Partners
Level 3 Plan HSK 04	TBA	Sparks and Partners
Roof Plan HSK 05	TBA	Sparks and Partners
Detail Sheet HSK 06	TBA	Sparks and Partners
On-Site Detention Details Sheet C109-A	5/11/13	Cardno
Catchment Plan C110-A	5/11/13	Cardno

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment Ref No. 797	17/10/13	Planning for Bushfire Protection
Geotechnical investigation Ref No.26875Srpt	23/10/13	JK Geotechnics
Disability Access Ref No.091223	5/11/13	Cheung Access
Arboricultural Impact Assessment Ref No. AIA-01	28/10/13	Arterra
Traffic Management and Parking Plan	TBA	TBA

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

e) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By

Stage 1 Landscape Concept Plan L-SD-01	28/10/13	Arterra
Stage 1 Landscape Concept Sections L-SD-02	28/10/13	Arterra

Waste Management Plan and Sediment Control Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	6/11/13	PDML Architects
General Arrangement Plan C120-A	5/11/13	Cardno
Carpark Soil and Erosion Control Plan C103-A	5/11/13	Cardno
Forecourt Soil and Erosion Control Plan C104-A	5/11/13	Cardno
Soil and Erosion Details C105-A	5/11/13	Cardno

TBA = 'To be advised' upon satisfaction of Deferred Commencement Conditions

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

4. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
NSW Rural Fire Service	Response NSW RFS Referral	20 December 2013
NSW Roads and Maritime Service	Response NSW RMS Referral	6 December 2013

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

5. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the *Building Code of Australia* (BCA).

(b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is

being carried out, but must be removed when the work has been completed.

(c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

6. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated

on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(i) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(l) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited)

to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

7. **Parking**

The proposed parking in the new parking area, at Brimson Hall and the Old Church will need to conform to the requirements of AS2890.1-2004 with regard to aisle widths, parking space dimensions and manoeuvring areas so that all vehicles can enter and exit the site in a forward direction.

Reason: To ensure that vehicles have adequate manoeuvring area and enter and exit in a forward direction. (DACTRBOC2)

FEES / CHARGES / CONTRIBUTIONS

8. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 11,320,883		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 107,548
Section 94A Planning and Administration	0.05%	\$ 5,660
Total	1%	\$ 113,209

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

9. **Bonds**

(a) **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) **Construction, Excavation and Associated Works Bond (Council Drainage Easement)**

A Bond of \$60,000 as security against any damage to Council's stormwater infrastructure traversing the subject site as part of this consent.

(c) **Construction, Excavation and Associated Works Bond (Drainage works in Gulliver Street)**

A Bond of \$3,000 as security against any failure to complete the construction of stormwater drainage works as part of this consent.

(d) **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$1,000 for the construction of stormwater gully pit and lintel in Gulliver Street. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

10. **On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention (OSD) in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Cardno, drawing number NA80813340 - C102 (A), C108 (A), C109 (A), C110 (A) dated 5 November 2013.

Drainage plans are to be amended to comply with the following:

1. Minimum storage volume of 152 cubic metres for the OSD system
2. Permissible site discharges from the OSD system must comply with table 5-3 of the Stormwater Strategy Report, prepared by Cardno, dated November 2013

Details demonstrating compliance are to be submitted to the Certifying Authority for approval, prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

11. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

12. Structures Located Adjacent to Council Pipeline or Council Easement

All structures (including footings), except for the approved one bridge or spanning structure and 'green wall', are to be located clear of any Warringah Council pipelines and easement in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements.

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

13. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include three (3) copies of Civil Engineering plans for the design of stormwater gully pit with extended kerb inlet which are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Specification.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Ensure engineering works are constructed in accordance with relevant standards. (DACENCPC1)

14. Overland Flow Compliance Certification

Civil engineering plans detailing the works required to convey the 1 in 100 year ARI overland flows

through the development, in accordance with the Stormwater Strategy Report prepared by Cardno dated November 2013. These plans are to be prepared by a suitably qualified and Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and is an Accredited Certifier (Category C4).

Civil engineering plans must detail the following:

- 1.Existing and proposed finished ground surface levels within the 1 in 100 year ARI overland flowpath.
- 2.Stormwater mitigation measures to protect adjoining buildings from stormwater inundation (where applicable).
- 3.Proposed stair case at the north western corner of the development is to be designed and constructed to allow overland flows to pass through the structure.
- 4.Overland flow openings are to be provided along the southern wall of the proposed building. A minimum 300mm height clearance between the 1 in 100 year ARI overland flow top water surface levels and undersides of any openings must be provided.
- 5.Any security gates located within the 1 in 100 year ARI overland flowpath must be designed and constructed to allow overland flow through these gates.
- 6.Any walls or pierings are to be constructed clear of Council's pipeline in accordance with Council's "Building Over or Adjacent to Constructed Council Drainage system and Easements" Policy, PAS-PL 130.

The engineer is to certify that the above works will achieve the predicted overland flow levels and extent as detailed in the Stormwater Strategy Report.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval, prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development (DACENCPC2)

15. **Trees and / or Landscaping**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Existing trees which must be retained

All trees not indicated for removal on Landscape Plan -		
Drawing Number	Dated	Prepared By
L-SD-01 A	28/10/13	Arterra

(c) Tree protection

All tree protection to be in accordance with the recommendations and Tree Protection Plan within the Arboricultural Impact Assessment Report AIA-01 dated 28 October 2013 prepared by Arterra and AS4970-2009 Protection of trees on development sites.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

16. **Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available

at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

17. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this

condition and that the relevant Australian Standards are adhered to. (DACPLC02)

18. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Vehicle Crossings

The provision of two vehicle crossings 3.6 and 4.5 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

21. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

22. Layback Construction

Two laybacks 3.6 and 4.5 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

23. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

24. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

25. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

26. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

27. Reinstatement of Kerb

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

28. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

29. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

30. Certification of Structures Located Adjacent to Council Pipeline or Council Easement

All structures (including footings), except for the approved one bridge or spanning structure and 'green wall', are to be located clear of any Warringah Council pipelines and easement in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements.

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and a "work as executed" (WAE) plan (in AutoCad or hardcopy format) certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the easement, Council's pipelines and any encroaching structures within Council's drainage easement.

These documents are to be submitted to the Certifying Authority and Warringah Council for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

31. **Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

32. **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

33. **Restriction as to user - Overland flow path**

A restriction as to user shall be created on the title over the 1 in 100 year ARI overland flow path, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared by a registered surveyor to Warringah Council's requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the

issue of the Subdivision Certificate.

Reason: To ensure no modification of the 1 in 100 year ARI overland flow path without Council's approval. (DACENFPO1)

34. **Certification Civil Works - overland flow**

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement, any encroaching structures within Council's drainage easement and associated structures.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim Occupation Certificates.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENFPOC2)

35. **Positive Covenant for Structures built within easement**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created in favour of Council for removal of all structures listed below which are located within Council's easement:

- i. Bridge or spanning structure within Council's drainage easement
- ii. 'Green Wall' within Council's drainage easement

All costs associated with the removal and reinstatement of these structures are to be borne by the applicant. All structures located within the easement should be constructed in accordance with Council's policy "Building over or adjacent to constructed Council drainage systems and easements PAS-PL 130" with particular attention given to clause 3.5.1 part b) addressing structural loading. The terms of the positive covenant are to be prepared to Council's standard requirements. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure access for ongoing maintenance of Council's stormwater infrastructure. (DACENFPOC3)

36. **Required Planting**

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
2	Local native species capable of attaining a minimum height at maturity of 8 metres	Front landscape setback	25 litre

2	<i>Tristaniopsis laurina</i>	Road verge in front of the site, clear of driveway sightlines and generally in alignment with other street trees	75 litre
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Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

37. **Supplementary Tree Planting**
Additional supplementary tree planting as follows:

a) Within the front building setback for the new Primary school / Senior science building facing Gulliver Street :- One (1) tree per 9 m² (excluding any paved areas and Council easement) to be provided to enhance the streetscape and landscaped setting for the school.

b) Within the front building setback for the 'Brinson Centre facing Federal Parade: - Four (4) native trees to enhance the streetscape and landscaped setting for the school.

- Trees are to be selected from Council's "Tree Replacement Guide" for native "medium" sized tree species.
- Trees are to be staked and shielded from damage for 5 years after planting.
- Trees are to be planted from minimum 25 litre pots.
- Trees are to be replaced if they die within 5 years of planting.

Tree planting is to be completed prior to the issue of the Final Occupation Certificate.

Reason: To supplement reduced landscaped open space. (DACLAFPOC1)

38. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available

at <http://www.warringah.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's

stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

39. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

40. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

41. No Parking Zone - Gulliver Street

The existing 'No Parking' during school start and finish times to facilitate the pick up/set down of students for the school will need to be modified to accommodate the new entry/exit driveways for the proposed development and ensure suitable sight distance is provided for vehicles exiting the car park. This will need to be submitted to Council for approval by the Local Traffic Committee.

Reason: Parking within a Public Street. (DACTRFPOC1)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

42. Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979

A Maintenance Period of six (6) months shall apply to the drainage works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

43. **Residential Privacy**

Storage lockers / racks and the like are not to be placed along the western elevation of Senior Science rooms.

Reason: Maintain privacy to No.10 Gulliver Street (DACPLGOG1)

44. **Maximum Enrollment**

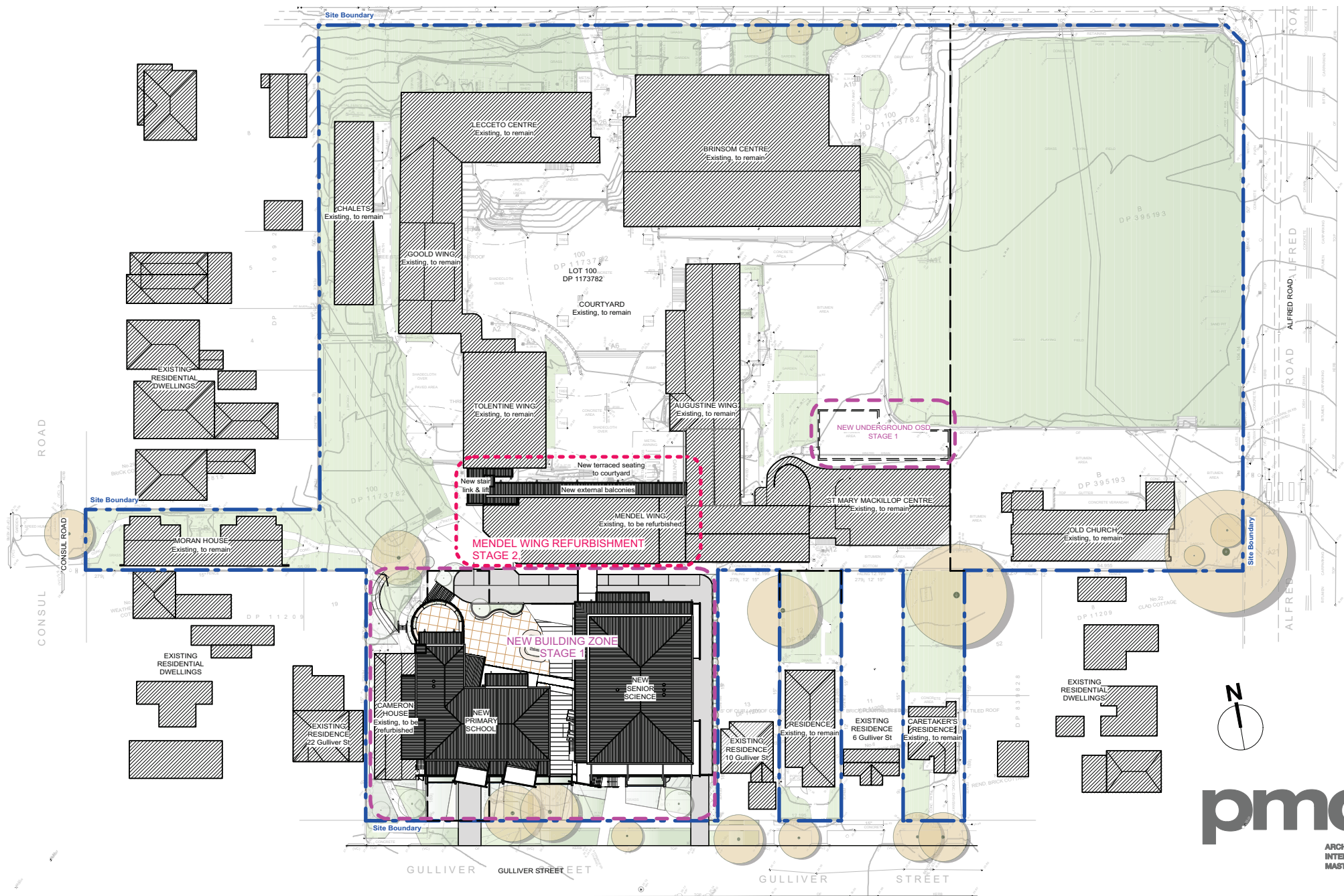
The school (primary and secondary inclusive) is limited to a maximum student enrolment of 1200 students and an annual enrolments verification is to be submitted to Warringah Council each year confirming compliance with this condition of consent.

Reason: Compliance (DACPLGOG2)

45. **Traffic Management and Parking Plan**

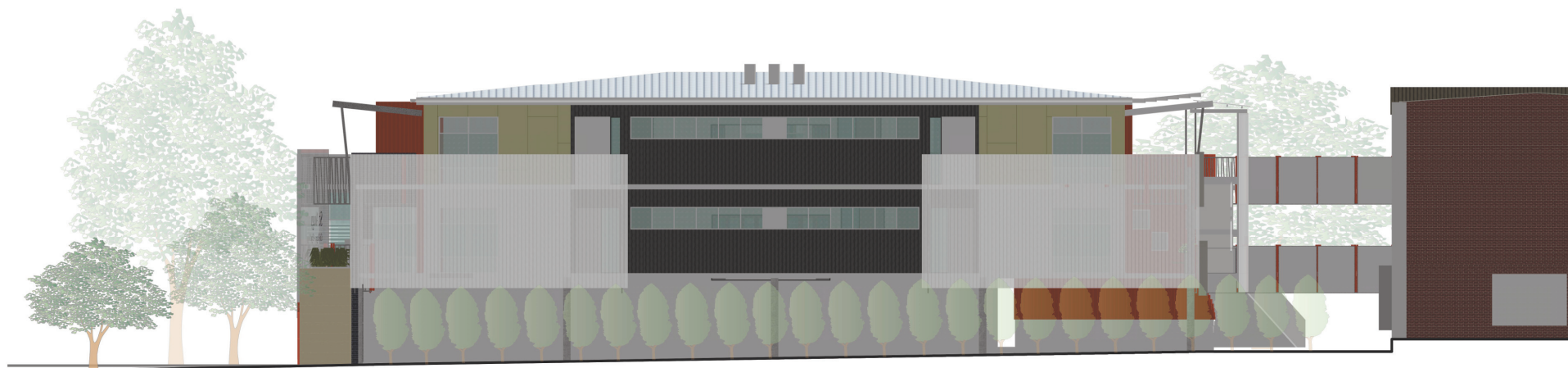
The school Traffic Management and Parking Plan is to be fully implemented and properly managed to ensure compliance with that plan, as approved.

Reason: Compliance (DACPLGOG3)





01 **SOUTH ELEVATION**
Scale 1:250



02 **EAST ELEVATION**
Scale 1:250

pmdl
ARCHITECTURE
INTERIORS
MASTERPLANNING

Notification Plan: Elevations

St Augustine's College New Facilities

Sydney Melbourne Hong Kong

© PMDL

Project

2341

Scale

1:250@A4

Date

Oct 2013

Dwg

N02

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